

FEB 23 2007

Atty. Docket No. JP919990315US1
(590.048)**REMARKS**

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. In the Office Action dated October 19, 2006, a new rejection was made rejecting pending Claims 1-6 and 8-20 under 35 U.S.C. § 103(a) and the rejection was made final. Of these claims, Claims 1, 6, 10, 13, and 16-19 are independent claims; the remaining claims are dependent claims. The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

Please note that Applicants filed a Response to the Final Office Action of October 19, 2006 on December 19, 2006. An Advisory Action was issued in response on January 23, 2007. Therefore, pursuant to MPEP § 706.07(f), the current response is timely up through February 23, 2007 along with a one (1) month extension of time, which has been filed herewith.

Rejection of claims 1-6 and 8-19 under 35 U.S.C. § 103(a)

Claims 1-6 and 8-19 stand rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent 6,134,584 to Chang et al. (hereinafter "Chang") in view of U.S. Patent 6,993,559 to Jilk et al. (hereinafter "Jilk"). Reconsideration and withdrawal of the present rejections are hereby respectfully requested.

Applicants' remarks in the Response After Final dated February 23, 2006 are still applicable to the current rejection and are hereby fully incorporated into the current Response.

Atty. Docket No. JP919990315US1
(590.048)

Furthermore, with regards to this rejection Applicants respectfully submit that subject matter that is prior art under § 103(a) via 35 U.S.C. § 102(e) is disqualified as prior art against a claimed invention if that subject matter and the claimed invention “were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.” 35 U.S.C. § 103(c); *See also* MPEP § 2146.

Applicants respectfully point out that the priority filing date of the current application is March 29, 2000 under 35 U.S.C. § 119(a)-(d). The Chang patent was published after that date, therefore the Chang patent can only serve as prior art under 35 U.S.C. § 102(e).

Applicants respectfully point out that the current application and the Chang patent are commonly assigned to International Business Machines Corporation (IBM) and were subject to an obligation of assignment at the time the current invention was made. An assignment from the inventors of the Chang patent to IBM was recorded at the PTO on April 8, 1998 (Reel/Frame: 009085/0657). An assignment from the inventors of the current application to IBM was filed with the PTO on July 9, 2001 and was recorded on August 1, 2001 (Reel/Frame: 012019/0556).

Please also note the Japanese application publication 2001-282609 A of the priority Japanese application No. 2000-091874, which lists IBM as the Applicant.

Atty. Docket No. JP919990315US1
(590.048)

Applicants respectfully submit, pursuant to 35 U.S.C. § 103(c), that the Chang patent is disqualified as prior art for the purposes of making a rejection under § 103(a) due to the common ownership of the current application and the Chang Patent and the fact that the Chang patent can only be applied as prior art under 35 U.S.C. § 102(e). The Examiner's rejection is therefore improper.

Rejection of claim 20 under 35 U.S.C. § 103(a)

Claim 20 stands rejected 35 U.S.C. § 103(a) as being unpatentable over Chang in view of Jilk, and further in view of U.S. Patent 6,282,709 to Reha et al. (hereafter "Reha"). Reconsideration and withdrawal of the present rejection is hereby respectfully requested.

With regards to this rejection, claim 20 is dependent upon independent claim 1. Applicants respectfully submit that claim 1 is allowable over Chang in view of Jilk as established above. Claim 20 is also allowable then, for at least the same reasons as claim 1. Applicants respectfully request that the Examiner withdraw the rejection of claim 20 as being unpatentable over Chang in view of Jilk and further in view of Reha under 35 U.S.C. § 103(a).

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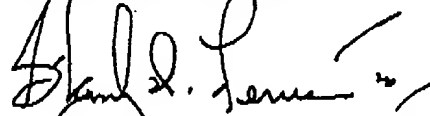
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Atty. Docket No. JP919990315US1
(590.048)

In summary, it is respectfully submitted that the instant application, including Claims 1-6 and 8-20, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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